

Notice of Allowability

Application No.

10/783,906

Examiner

Andrew J. Rost

Applicant(s)

PARSONS ET AL.

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to telephone interview on 9/4/2007.
2. ☒ The allowed claim(s) is/are 1-10, 12-16, 23-29, 37-44 (renumbered 1-30).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ivan Zitkovsky on 9/4/2007.

The application has been amended as follows:

In claim 1, lines 10-11, replace "said electronic control module, said battery and said sensor in a sealed arrangement" with --said electronic control module in a sealed arrangement--.

In claim 1, lines 13-15, replace "in a manner also attaching said plastic housing including said control module with respect to said valve body." with --in a manner also attaching said plastic housing, located on an alignment member, with respect to said valve body.--.

In claim 2, lines 16-17, replace "and replacement of said control module while maintaining said water pressure in said pilot chamber." with --and replacement of said control module while maintaining said water pressure in said pilot chamber and wherein said button is constructed to move between upper and lower positions and thereby displace a magnet cooperatively arranged with a reed sensor designed for manually triggering said flush cycle when pushed to said lower position.--.

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In claim 10, line 9, replace "said external cover including at least a main cover body and a top cover" with --said external cover including at least a main cover body, a front cover and a top cover--.

In claim 10, lines 16-18, replace "said top cover are constructed to include attachment surfaces enabling attachment by at least one screw to a pilot cap" with --said top cover are constructed to include attachment surfaces included on said main cover body and said front cover enabling attachment by at least one screw to a pilot cap--.

Cancel claim 11.

In claim 12, line 1, replace "flush valve of claim 11" with --flush valve of claim 2--

In claim 23, lines 5-7, replace "a relief passage controlled by said actuator receiving drive signals from said electronic system; and" with --a relief passage controlled by said actuator receiving drive signals from said electronic system wherein said actuator is an isolated actuator; and--.

In claim 24, lines 9-10, replace "said electronic system being constructed to provide drive signals to said actuator; and" with --said electronic system being constructed to provide drive signals to said actuator wherein said actuator is an isolated actuator; and--.

Cancel claim 34.

2. The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the prior art of record does not disclose the combination of a flush valve having a valve body, a valve member, an external cover having at least two

removable cover parts and a plastic housing enclosing an electronic control module comprising a sensor and a battery in a sealed arrangement with the plastic housing being located on an alignment member as claimed.

Regarding claim 2, the prior art of record does not disclose the combination of a flush valve having a valve body, a valve member, an external cover having at least two removable cover parts and a button that moves a magnet that is cooperatively arranged with a reed sensor as claimed.

Regarding claim 10, the prior art of record does not disclose the combination of a flush valve having a valve body, a valve member, an external cover having a main cover body, a top cover and a front cover and at least one screw attaching the external cover to a pilot cap defining a pilot chamber as claimed.

Regarding claim 23, the prior art of record does not disclose the combination of a flush valve having a valve body, a valve member, an external cover having at least two removable cover parts, at least one screw attaching the external cover to a pilot cap defining a pilot chamber and the cover being removable while maintaining water pressure inside said pilot cap as claimed.

Regarding claim 24, the prior art of record does not disclose the combination of a flush valve having a valve body, a valve member, an external cover having at least two removable cover parts, a pilot cap defining a pilot chamber, a sensor and the sensor being adjustable without removal of the cover as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew J. Rost whose telephone number is 571-272-2711. The examiner can normally be reached on 7:00 - 4:30 M-Th and 7:00 - 12:00 Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AJR, ASR 05 SEPTEMBER 2007


JOHN RIVELL
PRIMARY EXAMINER
ART UNIT 3753